

## Two of my employees hooked up. Now what?

While you may openly discourage dating among your employees, it's tough to fight it. All you need to address during the course of their relationship is their job performance. If performance falters due to the dating or the changed dynamics of the two employees, then you should address the performance problems. Otherwise, unless your company has a strict policy on employees dating, you'll have to wait it out and hope that if it ends, it's amiable. On the other hand, if the dating is between a supervisor and employee, talk to HR. Many companies recommend transfer or resignation for one or both parties.

## What if my boss comes on to me?

Confront the situation straight on. If you're interested, you may feel flattered. But don't let that cloud your better judgment. For the same reasons as stated above, any employee-boss hook-up can be problematic. Instead, say something like, "Thank you, but I want to keep our relationship strictly professional."

If your boss does not take the hint, begins to pressure you, or retaliates in any way, go to Human Resources. Your manager has the power to impact your job.

## What if a customer repeatedly asks out one of my employees and the employee doesn't like it?

Your company is legally obligated to protect all employees from third-party sexual harassment, whether it comes from a customer, vendor, delivery person, board member, or anyone else associated with, but not employed by, your company.

As a manager, you are the front line when it comes to protecting your employees. The requests for a date may have started out harmless enough, but if your employee has said "no," any repeated requests could create a hostile work environment and be grounds for a sexual harassment claim.

If one of your employees comes to you with a complaint, you need to handle it immediately. Maintain good relations with the customer, but be respectful, direct and firm. Say something like, "I need you to stop asking Traci out. She is not interested, and since she works for me, I am obligated to make sure it stops. Okay?"

Inform HR of your conversation and reassure Traci that if the customer's behaviors continue, she should let you know.

# Creating a Harassment-Free Workplace

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## How do I start?

It may be overused and somewhat cliché to say “*lead by example*,” but that’s exactly what you must do. Filter your words and actions so they are professional and respectful and expect the same from your employees.

Set the bar with an all-employee meeting. Explain that you want everyone to feel respected and valued. Clearly state the company’s and your expectations for a respectful workplace. Clearly describe the behaviors that will not be tolerated. No sexual conduct of any kind, even joking around. No posters, calendars, language, jokes, emails, texts, or anything of a sexual nature at work. Explain that sexual conduct or demeaning conduct of any kind, including derogatory behaviors based on gender, gender identity or gender expression is also unacceptable.

## At times, my conduct has been flirtatious and inappropriate. What should I do now?

Your employees will appreciate your honesty. Say something such as, “I’ve been disrespectful and have acted inappropriately at work in the past, but I’m making a change and I expect the same of all of you.” Don’t be surprised if your employees take a “wait and see” attitude. Your actions will back up your words. Just make sure you don’t mix up with anyone who is acting inappropriately. If you let it go—even once—your employees will question your sincerity.

## What’s in it for me?

Maintaining a respectful work environment requires attention and intention. The result is higher productivity, higher morale, lower turnover and a stronger team.

## What if my employees grumble about the changes and how I’m taking all the fun out of work?

Change is hard. But rely on this training to pave the rocky road ahead. Education, understanding and a commitment from you will quickly diminish the grumbling. And familiarize yourself with the *Employee Guide*. It addresses employee questions, concerns, and complaints about the complex topic of sexual harassment head on.

## **What if the sexually suggestive texts are consensual?**

If the text exchange is consensual, then make sure the texting isn't going on during work hours. Social media is another outlet which can cause problems in the workplace. Caution your employees and make sure everyone understands company policy on dating, texting, and social media use.

## **What if an employee is coming on to a contractor in my department?**

There's no question sexual attraction at work happens. And, if it's consensual, no harm, no foul. But flirting and sexual advances should not be part of the work day. While it's not your job to tell your employees who they can and cannot date, if it interferes with work, then it is your business. Sexual conduct of any kind does not belong in the workplace. Your company may also have a policy on dating.

If it's not consensual, it's a different story. Whether your employee is hitting on an employee or a non-employee, if the conduct is unwelcome, it needs to stop. "No" means "no" the first time, and it's your obligation as a manager to make sure the behavior stops before it becomes illegal sexual harassment.

## **How can I create a respectful work environment if my boss is behaving inappropriately?**

This is a tough one to tackle but speaking up is important. If you're comfortable confronting it head on, consider approaching your boss and saying something like, "it makes me uncomfortable when you talk that way." Or "What you are doing is disrespectful and I'd appreciate it if you'd please stop."

The most important thing to remember is that while your manager's behaviors makes it harder, you can still create and maintain a culture of respect on your team. Lead by example and hold your employees accountable.

And, if you feel you are being harassed by your boss, or that your boss is harassing your employees, talk with your company's Human Resources Department.

## **How can I stop sexual harassment if I don't know it's happening?**

Consider this: if you don't know that harassment is occurring, what else don't you know? Spend a couple minutes each day connecting with your employees. If your department or area of responsibility is large, spend a couple minutes with your direct reports and make sure they connect with their employees.

Your employees are people first, workers second. When you show them you care about their world, you'll be amazed by what you learn about them, the team and your business. If they see that you care enough to connect with them, your employees will be more likely to come forward with problems.

## **I have a couple of employees who are great workers—just rough around the edges. Crude language and gestures are part of their everyday. Can't we just accept them for who they are?**

You can't change people, nor should you try. You shouldn't expect to change someone's attitudes, values or beliefs—the things they think and feel. Generally it takes a life-altering event to do that. But you *can* expect to change behaviors. For example, you can't stop an employee from thinking crude, rude or offensive things, but you can stop him or her from saying them aloud at work.

If you let offensive behavior go, it will likely escalate and “rough around the edges” can become potential illegal sexual harassment.

So what do you do about the employee who just can't seem to keep their crude thoughts to themselves? If you've been working on building a culture of respect, calling the employees on their inappropriate behavior won't come as a surprise.

Talk with your employees. Coach them and follow up. If your employees still fail to change their behavior, then it's time to talk about consequences, including termination. And what should you do if you recognize the behavior is changing? Offer praise and encouragement to keep it up.

## **What can I do to encourage my employees to speak up?**

The main reason employees stay silent if they experience or witness harassment is fear – fear of losing their job, their reputation, and fear that they will face retaliation.

Your job is to make it safe to speak up. Let your people know that their jobs are not at risk when they speak up about harassment or inappropriate conduct. And communicate often that your company has a zero-tolerance policy regarding any sort of retaliation.

The Delaware Discrimination in Employment Act (DDEA) prohibits retaliation against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, legal proceeding, or litigation under the DDEA. Retaliation can occur through direct actions, such as demotions or terminations, or more subtle behavior, such as an increased work load or being transferred to a less desirable location. It's up to you to reassure your employee they are safe from retaliation.

The other reason employees don't speak up is they don't think it will do any good. Change takes time, and everyone needs to do their part. Being an upstander has the power to transform a toxic workplace into one that's based on respect and professionalism.

## What should I do if I feel I've been harassed?

If you are comfortable confronting the person who is harassing you, then that should be your first step. Say something like, "I am uncomfortable when you... and I don't like it. I want you to stop." If that doesn't work and the harassment continues, or if you are uncomfortable, talk with your manager, HR, or a company representative. Use your company's complaint or grievance system.

And, if you ever feel unsafe, or the person harassing you is a manager or a person in authority, then, your first step should be to go directly to HR.

## What other recourse do I have?

Your company wants every employee to feel safe and protected while at work. Your leaders want to address instances of harassment and abusive conduct swiftly and thoroughly with a prompt investigation in order to resolve the problem quickly. In Delaware, you have several options for reporting.

1. If you have a business, experienced sexual harassment inform a manager, human resources, or the Equal Employment Opportunity office.
2. Report sexual harassment to the Delaware Department of Labor Office of Anti-Discrimination (DDOL). Call 302-761-9200 or 302-424-1134 or visit <https://dia.delawareworkforce.com/discrimination/> to file a Discrimination Intake Form. The Department can investigate or mediate your complaint and may be able to help you collect lost wages and other damages.
3. Report sexual harassment to the U.S. Equal Employment Opportunity Commission at [www.eeoc.gov/filing-charge-discrimination](http://www.eeoc.gov/filing-charge-discrimination).

Filing a claim with both the DDOL and EEOC is unnecessary because they share information. If you'd like to file with both the state and federal agencies, indicate that you'd like to cross-file.

## Handling a Sexual Harassment Complaint

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### What if I don't believe the person bringing the complaint?

Your job is to take every complaint seriously. Period. When an employee says that he or she is experiencing sexual harassment of any type, you are legally and ethically obligated to take the complaint seriously and investigate the charges promptly and thoroughly, regardless of your personal feelings. Start by thanking your employee for the courage it took to speak up.

Listen without interruption and follow the steps for handling a sexual harassment complaint. Remember to ask, "Anything else?" to make sure the employee feels completely heard and to ensure you are getting the whole picture.

1. Take the complaint seriously.
2. Listen and respond without judgment.
3. Promise a prompt and thorough investigation.
  - Explain limits of confidentiality and set expectations.
  - Explain protection from retaliation.
4. Ask the employee to document the complaint.
5. Explain that HR will investigate and follow up.
6. Report the complaint to the person designated for receiving such complaints within your organization.

### Why can't I talk to the harasser?

It's almost impossible to be impartial when you know the alleged harasser, the victim, or both—or they report directly to you. Instead, you should talk with HR or the appropriate company representative.

Keep in mind, when a manager has knowledge of potential harassment, it's considered to be the knowledge of the employer as well. The employer needs to be made aware of the potential harassment before anyone talks to the harasser, or begins an investigation.

### What is the difference between an informal complaint and a formal one?

An informal complaint is internal. It's when an employee comes to you to report sexual harassment, or offensive conduct. Your company wants to address concerns, issues, and complaints at the earliest stage possible. As soon as an employee comes to you to report sexual harassment or offensive conduct, it will be documented and investigated within the company.

A formal complaint is when an employee files a complaint with a local, state, or federal agency.